

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOC #: _____
DATE FILED: _____

CANADIAN NATIONAL RAILWAY
COMPANY,

Plaintiff,

- against -

VANTIX LOGISTICS and PEPSI COLA
CANADA BEVERAGES,

Defendants.

07 Civ. 8226 (KMK)

**NOTICE
OF DISMISSAL WITHOUT
PREJUDICE**

Pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, Plaintiff voluntary dismisses the above captioned action against Defendant Pepsi Cola Canada Beverages without prejudice.

Defendant Pepsi Cola Canada Beverages has not appeared in the action.

Dated: New York, New York

June 27, 2008

CAPEHART & SCATCHARD, P.A.

By: /s/ Armando V. Riccio
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SO ORDERED
[Signature]
KENNETH M. KARAS U.S.D.J.
7/1/08